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14 **UNITED STATES DISTRICT COURT**

15 **DISTRICT OF NEVADA**

16 THE BOARD OF TRUSTEES OF THE
17 CONSTRUCTION INDUSTRY AND
18 LABORERS HEALTH AND WELFARE
19 TRUST; THE BOARD OF TRUSTEES OF
20 THE CONSTRUCTION INDUSTRY AND
21 LABORERS JOINT PENSION TRUST; THE
22 BOARD OF TRUSTEES OF THE
23 CONSTRUCTION INDUSTRY AND
24 LABORERS VACATION TRUST; THE
25 BOARD OF TRUSTEES OF SOUTHERN
26 NEVADA LABORERS LOCAL 872
27 TRAINING TRUST,

16 Plaintiffs,
17 vs.

18 MOHAVE RESTORATION, INC. dba
19 SERVICE MASTERS 1st RESPONSE, a
20 foreign corporation; JEREMIAH L. COX, an
21 individual,

22 Defendants.

23

24 THE BOARD OF TRUSTEES OF THE
25 CONSTRUCTION INDUSTRY AND
26 LABORERS HEALTH AND WELFARE
27 TRUST; et al.

28 Plaintiffs,

Case No.: 2:16-cv-01190-JAD-CWH

**STIPULATION AND
[PROPOSED] ORDER TO
EXTEND JOINT PRETRIAL
ORDER DEADLINE**

(Eighth Request, First Request Since
the Expiration of Deadline to File
Dispositive Motions)

1 vs.
2 HANOVER INSURANCE COMPANY, a
3 New Hampshire insurance company; NORTH
4 AMERICAN SPECIALTY INSURANCE
COMPANY, a New Hampshire insurance
company; DOES 1 THROUGH 10, and ROE
5 CORPORATIONS 1 THROUGH 10,
inclusive,
6

7 Defendants.

8 HANOVER INSURANCE COMPANY, a
9 New Hampshire Insurance company;

10 Third Party Plaintiff,

11 vs.
12 MOHAVE RESTORATION, INC. dba
13 SERVICE MASTERS 1st RESPONSE, a
foreign corporation; JEREMIAH L. COX, an
14 individual,

15 Third Party Defendants.

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17 IT IS HEREBY STIPULATED AND AGREED, by and between the parties'
18 counsel of record, that the Joint Pretrial Order Deadline be extended by 21 days to allow
19 the parties' counsel of record to present the final Settlement Agreement to their
20 respective clients for approval. The current Joint Pretrial Order Deadline is April 10,
21 2018. While this is the eighth extension of these deadlines, this is the parties' first
22 request for an extension of deadlines since the close of discovery and expiration of the
23 dispositive motion deadline and is not made to delay this matter.

24 Pursuant to Local Rule 26-4, the parties, through their counsel, state the
25 following:

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(a) Status of Discovery and Dispositive Motions

The discovery close deadline and dispositive motion deadline have passed. The Trust Funds and Mohave have not filed dispositive motions in this matter.

(b) Reasons the joint pretrial order deadline cannot be satisfied within the time limits set by the scheduling order

The parties believe a twenty-one (21) day extension on all pending deadlines, will allow counsel for the parties to circulate the final settlement terms, as agreed upon between counsel, and obtain final approval from the parties without risk of prejudice to either party in the event of unforeseen circumstances. The parties believe that there is good cause for a 21-day extension due to the next official meeting of the Trustees of the Trust Funds being scheduled for April 18, 2018. The parties anticipate that a final settlement agreement will not be able to be obtained prior to that meeting, but are confident that a final settlement agreement and notice of settlement and dismissal of this matter will be forthcoming.

Mohave and Laborers International Union of North America, Local 872 (“Local 872”) have executed a side letter to their collective bargaining agreements, which was necessary for the completion of settlement of this matter between Mohave and the Trust Funds. Additionally, Third-Party Plaintiff, Hanover Insurance Company (“Hanover”), filed a dispositive motion on January 8, 2018 (ECF No. 42). Subsequently, Hanover and Mohave reached a settlement of the disputes between them and Hanover’s dispositive motion was withdrawn on March 12, 2018, (ECF No. 52) and Hanover was dismissed from this matter on April 2, 2018 (ECF No. 54). Both Mohave and the Trust Funds have agreed to work toward resolving this case without further litigation and Counsel for both parties have agreed to diligently work toward obtaining the final approval of the settlement agreement and complete resolution of this matter in good faith over the next several weeks.

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(c) *Proposed schedule for all remaining deadlines*

The parties state that this request is made for no improper purpose or delay. The new proposed deadlines would be as follows:

Joint Pretrial Order: The deadline to file the Joint Pretrial Order in this case shall be extended from April 10, 2018 to **May 1, 2018**.

This is the parties' first request for an extension of deadlines since the expiration of the dispositive motion deadline and is made in good faith and not to delay this matter. Additional time was necessary due to delays caused by obtaining the aforementioned side letter agreement between Mohave and Local 872, and finalizing the settlement agreement between Mohave and Hanover.

Based upon the foregoing, the parties believe there is good cause for the requested extension.

Dated: April 10, 2018

FISHER & PHILLIPS LLP

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Dated: April 10, 2018

THE URBAN LAW FIRM

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ORDER

IT IS SO ORDERED.

U.S. DISTRICT MAGISTRATE JUDGE

Dated: April 11, 2018